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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of

Advanced Television Systems)
and their Impact Upon the)
Existing Television)
Broadcast Service)

MM Docket No. 87-268

Reply Comments
of the
New York Metropolitan Advisory Committee
c/o Suffolk County Police Department
30 Yaphank Drive
Yaphank, NY 11980

The New York Metropolitan Advisory Committee:

New York City Police Department
New York City Fire Department
New York City Department of Corrections
New York City Department of Parks and Recreation
New York City Department of Information Technology and Telecommunications
New York City Department of Transportation
New York City Transit Authority
City of Yonkers, New York, Fire Department
City of Yonkers, New York, Police Department
City of New Rochelle, New York, Police Department
Nassau County, New York, Police Department
Suffolk County, New York, Police Department (Representing Suffolk County)
Elmont, New York, Fire District
Bergen County, New Jersey, Police Department

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INTRODUCTION

The New York Metropolitan Advisory Committee (NYMAC) hereafter referred to as the "Committee", herein submits reply comments on the above referenced FCC Docket. This standing committee was originally formed as the New York Metropolitan Spectrum Relief Committee to request a waiver of Parts 2 and 90 of the Commission's Rules to permit the assignment of frequencies in the 482-488 MHz band (UHF TV Channel 16), for the Public Safety radio services within New York City, New York and its immediate vicinity. Through the submission of NYMAC and subsequent grant of a Request for Waiver, filed with the Commission on April 6, 1992 and supplemental submission of Request for Waiver on April 14, 1994, the Committee was formally referred to the by Commission under FCC order 95-115 as the New York City Public Safety Agency Coordinating Committee; herein and it is now referred to as the New York Metropolitan (Metro) Advisory Committee (NYMAC) as introduced on the opening cover page. The Committee includes several New York City agencies as well as agencies from the surrounding metropolitan area.

Of this group the following agencies are most affected by the above referenced docket:

New York City Police Department

Nassau County, New York, Police Department

New York City Fire Department

Bergen County, New Jersey, Police Department

REPLY COMMENTS

The New York Metropolitan Advisory Committee is a governmental entity submitting reply comments regarding Docket # 87-268. This proceeding has a serious and far reaching impact on the ability of public safety agencies to accomplish their mission to protect life and property. Although this proceeding specifically addresses the matter related to "Advanced Television Systems and Their Impact upon the Existing Television Broadcast Spectrum", the implementation of Digital Television will have a profound impact on the allocation of future spectrum to Public Safety and more specifically the recommendations of the Public Safety Wireless Advisory Committee (PSWAC). The PSWAC Final Report recommends that "unless immediate measures are taken to alleviate spectrum shortfalls and promote interoperability, Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost effective manner."

The Committee has specifically reviewed the comments of the Association of Public Safety Officials International, (APCO, Inc.) and the Motorola Corporation of which the committee fully supports the comments made by these organizations. The following comments are provided in support of the various positions of APCO and Motorola to give emphasis to their comments:

- Advancements in digital television will provide greater spectrum efficiency and allow the Commission to recover this much needed spectrum for Public Safety and other purposes.

- The spectrum allocated to UHF TV channels 60-69 should be allocated to public safety and other land mobile users as soon as possible as recommended by PSWAC. The DTV allocation tables should be modified to consider the use of channels 60-69 for Land Mobile.
- The Committee supports the position that the proposed DTV allocation tables potentially present a serious interference problem with existing land mobile users of UHF TV channels 14-20.
- The Committee supports the Commission's premise that the Broadcast Industry will benefit from digital television technology and that the spectrum efficiencies which are a direct result of DTV should in turn benefit the public. Furthermore, the Commission should be cognizant that the Broadcast Industry has held this spectrum captive for over forty years for protection of the their own industry.
- The release of the spectrum as a result of the new DTV allocations will foster new growth in the land mobile radio industry as evidenced by the creation of the SMR, cellular, PCS and other wireless technologies.
- The Land Mobile industry, in particular Public Safety, has consistently sought new ways to be more spectrally efficient. Through the efforts of organizations such as APCO, the Public Safety Land Mobile radio users have set standards and voluntarily complied with many of the recommendations of the Commission.

- The Committee, after reviewing Motorola's recommendations regarding the DTV allocations, urges the Commission to seriously consider using the parameters proposed by Motorola. These parameters are more favorable to the Commission's goals of compressing the amount of spectrum held by the broadcasters into a core spectrum as well as taking into account the needs of Public Safety.
- The Committee agrees with APCO's comment:

" Nevertheless, the Commission has an obligation in all of its spectrum allocation proceedings to consider the impact of its decisions on the safety of life and property, 47 U.S.C. §151, and Congress has repeatedly reaffirmed that

‘ radio services which are necessary for the safety of life and property deserve more consideration in allocating spectrum than those services which are more in nature of convenience or luxury .’ S. Rep. No. 191, 97th Cong., 2d Sess. 14(1981), reprinted in [1982] U.S. Cong. & Ad. News 2237, 2250.¹
- The Commission should be reminded that the broadcasters are not losing any spectrum even if the Motorola plan is used and that previous to DTV, this spectrum would have remained fallow for use as protection for NTSC TV. There will not be a reduction of outlets or markets.

¹ From page 2 of the comments of the Association of Public Safety Communications Officials, Inc.

- Public Safety has historically embraced new technology as it becomes available, which has led to more spectrally efficient use of the frequencies, i.e., trunking, mobile data applications, narrow-banding, close-spacing through regional planning, etc. This has all been accomplished within the severe constraints of publicly funded projects.
- The Committee would like to encourage the Commission to re-examine the software parameters to allow closer spacing of the DTV channels which will further encourage compressing the core spectrum.
- Land Mobile users presently licensed in UHF TV channels 14-20 must be afforded the same levels of protection currently employed under the present rules. The Commission presently requires TV licensees on channels 14 and 69 to take special precautions to avoid interference to adjacent channel land mobile licensees. The new licensees must attenuate their emissions to allow reasonable use of the spectrum by land mobile users.
- Motorola has shown in their commentary in Appendix B "TV Interference to Land Mobile", that there will be severe interference to land mobile users from co-channel licenses. The computations used by Motorola are very conservative levels and parameters. It is our opinion, as users of land mobile radio equipment, that this interference will be greater, by as much as 10dB, using more realistic parameter levels.

- In Section II of the comments submitted by APCO, the Commission is reminded that one of the fundamental goals of this and other related proceedings was to reclaim unused broadcast spectrum for other uses.
- The Committee agrees with APCO's position that clearing channels 60-69 will not have a significant impact on the broadcasters or their viewers.
- The Committee agrees with APCO's position that further sharing of spectrum below 512 MHz be included in the goals of this proceeding.
- The Committee supports the APCO position that LPTV channels should not be compensated by Public Safety agencies should an LPTV station be required to vacate for re-allocation to Public Safety. Public Safety agencies cannot legally compensate commercial entities for systems displaced as a result of re-allocation.
- The Committee agrees with APCO's recommendations "that the Commission should consider allocating to Public Safety those channels from 60-69 which have the fewest LPTV (and full power) stations, and allocate the remainder of the channels to commercial services, who will be generating revenue from their use of the spectrum, and will be in a better position to compensate displaced LPTV licenses."² This is particularly important in major metropolitan areas where spectrum is at a premium. LPTV should retain its present secondary licensee status as proposed in the Docket.

²From page 14 of the comments of the Association of Public Safety Communications Officials, Inc.

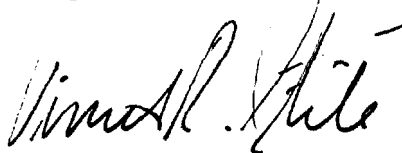
- As one of the major metropolitan areas, the Committee supports the APCO position that: "It appears that these allotments were made without any consideration of the actual location of the current land mobile transmitters, which are permitted anywhere within a fifty mile radius of the geographic center of the relevant city. In several instances there is very little distance (and in some cases virtual co-location) between the current transmitter site of a television station with a proposed DTV allotment in channels 14-21 and an existing public safety land mobile base station. If an adjacent channel station were built at or near that site, there would be serious interference both to and from radio systems that protect the safety of life and property. From the standpoint of both the television broadcaster and the Public Safety agency, this requires the Commission to adjust its table and allot other DTV channels in those instances."³
- Sub-part L of the Commission's regulations provides for protection criteria to protect broadcast television stations in the 470-512 MHz range from interference from land mobile licensees. If the 470-512 MHz band is truly a shared band, land mobile users, particularly public safety users, should be afforded the same protection criteria as television broadcast stations.

³ From page 17 of the comments of the Association of Public Safety Communications Officials, Inc

Conclusion

The Committee has presented reply comments that identify critical Public Safety radio issues for this region. We are urging the Commission to protect Public Safety Land Mobile radio licensees from interference. We are in full support of the DTV Docket's goal and urge the Commission to take this opportunity to improve the broadcasters use of TV spectrum while supporting the spectrum needs of Public Safety.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Vincent R. Stile". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Vincent R. Stile
Chairman
New York Metropolitan Advisory Committee
Suffolk County Police Department
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